

OSCAR L. SHOENFELT, III, L.L.C.
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June 29, 2016

Via Certified Mail Return Receipt Requested

Ms. Amanda Schaefer
Biotronics Neuro Metrics
812 Avis Drive
Ann Arbor, MI 48108

Vijay Maggio, M.D.
Biotronics Neuro Metrics
812 Avis Drive
Ann Arbor, MI 48108

Biotronics Neuro Metrics
Attn: Legal Department
812 Avis Drive
Ann Arbor, MI 48108

Re: Stacey Aultman, et ux. v. Vijay Maggio, M.D., et al.
Parish of Ouachita, State of Louisiana, Docket No. C-20161963 Sec. C5
Our File No.: 0817

Dear Sir or Madam:

Pursuant to the Louisiana Long-arm Statute (La. Rev. Stat. Ann. Sec. 13:3201, et seq.), enclosed is a Citation and Petition for Damages in the above-referenced matter. Please note that Plaintiffs' Interrogatories and Request for Production of Documents Directed to Defendants, Vijay Maggio, M.D., Amanda Schaefer, MS, DABN, Biotronics Neurometrics a/k/a The Biotronic Neuronetwork and St. Francis Medical Center are also enclosed.

Please contact this office immediately upon your receipt of this correspondence and enclosure.

Thank you.

Very truly yours,



Joyce R. Goldner, Legal Assistant to
Oscar L. Shoenfelt, III

/jg
Enclosures

EXHIBIT

tabbies®
D

LONG-ARM CITATION

D4253696
GF

STACEY AULTMAN

VS

M.D. VIJAY MAGGIO

DOCKET NUMBER: C-20161963

SEC: C5

STATE OF LOUISIANA

PARISH OF OUACHITA

FOURTH JUDICIAL DISTRICT COURT

TO: M.D. VIJAY MAGGIO
BIOTRONICS NEURO METRICS AKA THE BIOTRONIC
NEURONETWORK
812 AVIS DRIVE
ANN ARBOR, MI 48108

YOU HAVE BEEN SUED.

Attached to this Citation is a certified copy of the Petition. The petition tells you what you are being sued for. You must EITHER do what the petition asks, OR, within THIRTY (30) days after the filing in the record of the affidavit of the individual who either mailed or actually delivered the process to you, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Ouachita Parish Courthouse, 301 South Grand, Monroe, Louisiana. If you do not do what the petition asks, or if you do not file an answer or other legal pleading within the delays allowed by law, a judgment may be entered against you without further notice.

This Citation was issued by the Clerk of Court for Ouachita Parish this JUNE 27, 2016.

OUACHITA PARISH CLERK OF COURT

Also attached are the following:
PETITION OF DAMAGES

GAIL FORD

By: _____
Deputy Clerk

REGULAR MAIL a certified copy of this Citation on this the JUNE 27, 2016, for mailing to M.D. VIJAY MAGGIO.

TO: OSCAR SHOENFELT
2109 PERKINS ROAD BATON ROUGE LA 70808

GAIL FORD

Deputy Clerk

ORIGINAL -- TO BE FILED IN RECORD

SERVICE COPY

STACEY AULTMAN and
HEATHER AULTMAN

SUIT NO. _____ SEC. _____

VERSUS **16-1963**

5th JUDICIAL DISTRICT COURT

VIJAY MAGGIO, M.D.,
AMANDA SCHAEFER, MS, DABNN,
BIOTRONICS NEURO METRICS a/k/a
THE BIOTRONIC NEURONETWORK and
ST. FRANCIS MEDICAL CENTER

PARISH OF OUACHITA

STATE OF LOUISIANA

FILED

JUN 23 2016
JOWENA SLEDGE

DEPUTY CLERK
4TH JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA

PETITION FOR DAMAGES

The Petition of STACEY AULTMAN and HEATHER AULTMAN, persons of the full age of majority domiciled in the Parish of West Carroll, State of Louisiana, respectfully represents:

1.

Made defendants herein are:

- A. Vijay Maggio, M.D., who, upon belief, is a non-qualified healthcare provider in accord with the Louisiana Medical Malpractice Act, practicing in the Parish of Ouachita at St. Francis Medical Center.
- B. Amanda Schaefer, MS, DABNN, who, upon belief, is a non-qualified healthcare provider in accord with the Louisiana Medical Malpractice Act, working in the Parish of Ouachita at St. Francis Medical Center and upon belief, domiciled in the State of Louisiana.
- C. Biotronics Neuro Metrics a/k/a The Biotronic Neuronetwork, a foreign company, who, upon information and belief, is the employer of Vijay Maggio, M.D. and Amanda Schaefer, MS, DABNN, which has its employees practicing medicine in the Parish of Ouachita, State of Louisiana.
- D. St. Francis Medical Center for the vicarious acts of the above-named defendants who operated and provided medical care in the Parish of Ouachita, State of Louisiana

2.

At all times pertinent hereto, Stacey Aultman and Heather Aultman were married to and living with each other.

3.

A medical malpractice Complaint was filed by Petitioners herein on August 20, 2015, against St. Francis Medical Center, Bernie McHugh, M.D., Ouachita Neurosurgery Center, AMC and Walter Sartor, M.D. On May 16, 2016, a Supplemental and Amending Complaint was filed naming Vijay Maggio, M.D., Amanda Schaefer, MS, DABNN and Biotronics Neuro Metrics as additional defendants, since they are solidarily liable with the other defendants, St. St. Francis Medical Center, Bernie McHugh, M.D.,

CASE ASSIGNED TO:
CV. SECT. 5

Ouachita Neurosurgery Center, AMC and Walter Sartor, M.D in this medical malpractice action.

4.

In a letter dated May 25, 2016, the Louisiana Patient's Compensation Fund stated that Vijay Maggio, M.D., Amanda Schaefer, MS, DABNN and Biotronics Neuro Metrics are not considered qualified under the provisions of LA R.S. 40:1231.1 et seq.

5.

Petitioner, Stacey Aultman, went to St. Francis Medical Center for surgery by Dr. Bernie McHugh on October 10, 2014. The procedure performed was an extreme lateral interbody fusion (XLIF) of the T6-7 level.

6.

Surgery was performed by Dr. Bernie McHugh and Dr. Walter Sartor. After the initial surgery, Stacey Aultman had no motor function in his bilateral lower extremities. Mr. Aultman was subsequently returned to surgery to revise the T6-7 XLIF and an XLIF was performed at the T5-6 level.

7.

During the surgery performed by Dr. McHugh and Dr. Sartor, the defendants, Amanda Schaefer, M.S., DABNN and Dr. Vijay Maggio, were assisting the surgeons in operative spine monitoring, upon belief as the borrowed servants and/or agents of St. Francis Medical Center and under the direction of St. Francis Medical Center. At all times pertinent hereto, it is also believed that Amanda Schaefer, M.S., DABNN and Dr. Vijay Maggio, were also employees of Biotronics Neuro Metrics, a/k/a The Biotronic Neuronetwork. The patient came into the operating room at approximately 8:11 a.m. The patient left the operating suite at approximately 1:38 p.m. The duration of the surgery was 5 hours and 27 minutes. During the surgery, at approximately 10:13 a.m., it was noted by the monitors that the TcEMPs were present and enhanced, however only marginally present right foot and not present in legs or left foot. Dr. McHugh was notified and acknowledged this at that point in time. Again, at 10:32 a.m., it is noted that "4/4 LPTN, TcEMPs hands-only present, not legs, nor feet. 200 MA, 0.5 MS, 358Z." The

absence of monitoring in the legs is again noted at 10:56 a.m. Despite being notified by the operative spine monitor team, Dr. McHugh proceeded with the surgery.

8.

At approximately 12:37 p.m., there was again noted a significant decreased bilaterally in the electrical monitoring. Monitoring now indicated it was absent and this was discussed and the surgeon, Dr. McHugh, was notified. Instead of waking the patient up, again Dr. McHugh proceeded with the surgery. At 1:00 p.m., it was again noted that the responses were absent, and the surgeon was informed but proceeded with the surgery. Instead of determining what was causing the lack of monitoring, the surgeon, Dr. McHugh, decided to close the patient and get an MRI, which caused further delays in determining the etiology of the problems causing the neurological impairment to the patient, which had been present since 10:13 a.m. An MRI taken at approximately 3:09 p.m. showed that the hardware was extending posteriorly into the spinal canal with contact along the ventral cord and posterior displacement of the cord. The patient was taken back to the OR to remove and replace the cage by Dr. McHugh and Dr. Sartor. Additionally, closing the right hand response was noted by technologist but Dr. McHugh chose not to evaluate due to closure of the case.

9.

Despite the second surgery, Stacey Aultman remains paralyzed in his bilateral lower extremities and is wheelchair bound; his quality of life has been greatly diminished as a result of the surgery.

10.

The defendants were negligent in the following respects:

1. Failure to properly evaluate and monitor the patient;
2. Failure to properly treat the patient;
3. Failure to properly diagnose the patient;
4. Failure to properly consult and discuss the case with other physicians;
5. Failure to properly convey information to other physicians;

6. Failure to have proper procedures in place to avoid mistakes in forwarding information;
7. All other acts as seen on objective review by a qualified healthcare provider;
8. Failure to act reasonably and within the standard of care; and
9. Any other act or acts of negligence that plaintiffs do not recognize or identify.

11.

Petitioners plead the doctrine of *res ipsa loquitur* and lack of informed consent.

12.

Petitioners ask for all damages appropriate, loss of consortium, including all general and special damages, including loss of enjoyment of life, medical expenses past and future, past and future wages, and loss of function or disability.

13.

Petitioners are entitled to an award for damages for all, in a reasonable amount, including but not limited to the following:

Past and future medical expenses	Damages as are reasonable in the premises
Pain and suffering	Damages as are reasonable in the premises
Emotional and mental suffering	Damages as are reasonable in the premises
Loss of function and disability	Damages as are reasonable in the premises
Loss of consortium	Damages as are reasonable in the premises
Past and future loss of earning ability	Damages as are reasonable in the premises

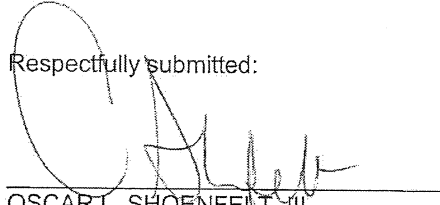
14.

Petitioners request a trial by jury on all issues herein.

WHEREFORE, Petitioners pray that defendants be cited and served with a copy of this Petition, and that after due proceedings are had, there be judgment rendered herein in favor of Petitioners, Stacey Aultman and Heather Aultman, and against defendants, Vijay Maggio, M.D., Andrea Schaefer, MS, DABNN, Biotronics Neuro Metrics a/k/a The Biotronic Neuronetwork, St. Francis Medical Center and against all defendants after the Medical Review Panel hearing, jointly, severally and *in solido* for

such amounts as are reasonable in the premises, together with legal interest thereon from the date Petitioners' request for a Medical Review Panel which was filed with the Louisiana Patient's Compensation Fund Oversight Board on August 20, 2015, and for all costs of these proceedings.

Respectfully submitted:



OSCAR L. SHOENFELT, III
Bar Roll Number: 12032
OSCAR L. SHOENFELT, III, L.L.C.
2109 Perkins Road
Baton Rouge, LA 70808
225-336-4300
225-336-4350 (fax)

PLEASE SERVE THROUGH THE
LOUISIANA LONG ARM STATUTE:

Vijay Maggio, M.D.
Biotronics Neuro Metrics a/k/a
The Biotronic Neuronetwork
812 Avis Drive
Ann Arbor, MI 48108

Amanda Schaefer, MS, DABNN
Biotronics Neuro Metrics a/k/a
The Biotronic Neuronetwork
812 Avis Drive
Ann Arbor, MI 48108

Biotronics Neuro Metrics a/k/a
The Biotronic Neuronetwork
812 Avis Drive
Ann Arbor, MI 48108

PLEASE SERVE BY ITS
REGISTERED AGENT

St. Francis Medical Center, Inc.

Kristen Wolkart
309 Jackson Street
Monroe, LA 71801

STACEY AULTMAN and
HEATHER AULTMAN

SUIT NO. _____ SEC. _____

VERSUS

16-1963

5th JUDICIAL DISTRICT COURT

PARISH OF OUACHITA

VIJAY MAGGIO, M.D.,
AMANDA SCHAEFER, MS, DABNN,
BIOTRONICS NEURO METRICS a/k/a
THE BIOTRONIC NEURONETWORK and
ST. FRANCIS MEDICAL CENTER

STATE OF LOUISIANA

FILED

JUN 23 2016

DEPUTY CLERK
4TH JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA

ORDER

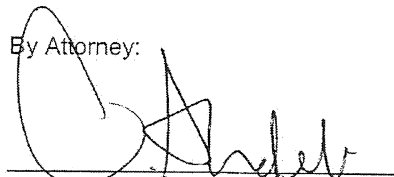
Considering Petitioners' request contained in the Petition for Damages:

IT IS ORDERED that this matter be set for trial by jury, upon Petitioners
depositing the required jury fee of \$ _____ and posting a jury bond as required
by law. TO Be Set at PTC

SIGNED at Monroe, Louisiana, this 23rd day of
June, 2016.

JUDGE, 5TH JUDICIAL DISTRICT COURT

By Attorney:


OSCAR L. SHOENFELT, III
Bar Roll Number: 12032
OSCAR L. SHOENFELT, III, L.L.C.
2109 Perkins Road
Baton Rouge, LA 70808
225-336-4300
225-336-4350

RECEIVED

2016 JUN 24 A 11:54

TAPE COPY

CERTIFIED
TRUE COPY

JUN 27 2016
DEPUTY CLERK
4TH JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA

STACEY AULTMAN and
HEATHER AULTMAN

SUIT NO. _____ SEC. _____

VERSUS

16-1963

5th JUDICIAL DISTRICT COURT

PARISH OF OUACHITA

STATE OF LOUISIANA

VIJAY MAGGIO, M.D.,
AMANDA SCHAEFER, MS, DABNN,
BIOTRONICS NEURO METRICS a/k/a
THE BIOTRONIC NEURONETWORK and
ST. FRANCIS MEDICAL CENTER

FILED

JUN 23 2016

JANET S. SHER

DEPUTY CLERK

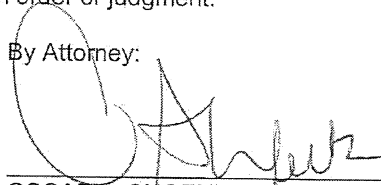
4TH JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA

REQUEST FOR NOTICE

In accordance with the provisions of the Louisiana Code of Civil Procedure, you are hereby requested to give us written notice, by mail, ten (10) days in advance of the date fixed for trial of this case, whether on exceptions, rules or the merits thereof.

In accordance with the provisions of the Louisiana Code of Civil Procedure, you are also requested to send us immediate notice of any order or judgment made or rendered in this case, upon entry of such order or judgment.

By Attorney:



OSCAR L. SHOENFELT, III

Bar Roll Number: 12032

OSCAR L. SHOENFELT, III, L.L.C.

2109 Perkins Road

Baton Rouge, LA 70808

225-336-4300

225-336-4350 (fax)

STACEY AULTMAN and
HEATHER AULTMAN

SUIT NO. _____ SEC. _____

VERSUS

5th JUDICIAL DISTRICT COURT

VIJAY MAGGIO, M.D., 16-1963
AMANDA SCHAEFER, MS, DABNN,
BIOTRONICS NEURO METRICS a/k/a
THE BIOTRONIC NEURONETWORK and
ST. FRANCIS MEDICAL CENTER

PARISH OF OUACHITA
STATE OF LOUISIANA

FILED
JUN 23 2016
JOWEN SLEDGE
DEPUTY CLERK
4TH JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA

**PLAINTIFFS' INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO DEFENDANTS
VIJAY MAGGIO, M.D., AMANDA SCHAEFER, MS, DABN,
BIOTRONICS NEUROMETRICS a/k/a THE BIOTRONIC NEURONETWORK and
ST. FRANCIS MEDICAL CENTER**

TO:

Amanda Schaeffer, MS, DABNN
Biotronics Neuro Metrics a/k/a
The Biotronic Neuronetwork
812 Avis Drive
Ann Arbor, MI 48108

Vijay Maggio, M.D.
Biotronics Neuro Metrics a/k/a
The Biotronic Neuronetwork
812 Avis Drive
Ann Arbor, MI 48108

Biotronics Neuro Metrics a/k/a
The Biotronic Neuronetwork
812 Avis Drive
Ann Arbor, MI 48108

St. Francis Medical Center
Through its agent:
Kristen Wolkart
309 Jackson Street
Monroe, LA 71801

PLEASE TAKE NOTICE that you are required to answer separately, fully, in writing and under oath, the following Interrogatories and Requests for Production of documents served on you and to serve your answers thereto on undersigned counsel within fifteen (15) days from the date of service hereof in accordance with the provisions of the Louisiana Code of Civil Procedure.

These Interrogatories and Requests are to be deemed continuing in nature and your responses hereto should be amended, supplemented or updated so as to provide all responsive information.

REQUEST FOR PRODUCTION NO. 1

Produce copies of all contracts of employment or otherwise of any type between Vijay Maggio, M.D. and Biotronics Neuro Metrics and/or St. Francis Medical Center.

REQUEST FOR PRODUCTION NO. 2

Produce copies of all contracts of employment or otherwise of any type between Amanda Schaeffer and Biotronics Neuro Metrics and/or St. Francis Medical Center.

REQUEST FOR PRODUCTION NO. 3

Produce copies of all documents and/or contracts of any type evidencing the relationship between Vijay Maggio, M.D. and Biotronics Neuro Metrics and/or St. Francis Medical Center.

REQUEST FOR PRODUCTION NO. 4

Produce copies of all documents and/or contracts of any type evidencing the relationship between Amanda Schaeffer and Biotronics Neuro Metrics and/or St. Francis Medical Center.

REQUEST FOR PRODUCTION NO. 5

Produce copies of any and all documents showing any compensation paid to Vijay Maggio, M.D. from Biotronics Neuro Metrics and/or St. Francis Medical Center, including but not limited to IRS Form W-2 or paycheck stubs.

REQUEST FOR PRODUCTION NO. 6

Produce copies of any and all documents showing any compensation paid to Amanda Schaeffer from Biotronics Neuro Metrics and/or St. Francis Medical Center, including but not limited to IRS Form W-2 or paycheck stubs.

REQUEST FOR PRODUCTION NO. 7

Produce copies of any and all documents or otherwise, including electronic generated documents, showing any and all communications between Vijay Maggio, M.D. and Biotronics Neuro Metrics and/or St. Francis Medical Center regarding any and all treatment rendered by any entity to Stacey Aultman at any time, including but not limited to August 20, 2015.

REQUEST FOR PRODUCTION NO. 8

Produce copies of any and all documents showing any and all communications between Amanda Schaefer and Biotronics Neuro Metrics and/or St. Francis Medical Center regarding any and all treatment rendered by any entity to Stacey Aultman at any time, including but not limited to August 20, 2015.

INTERROGATORY NO. 1

Please provide the following information with regard to Vijay Maggio, M.D.:

- (a) Full name and any other names he has been known by.
- (b) Home and business mailing address.
- (c) Education and professional qualifications. A resume or CV can be submitted to respond to this Interrogatory.

INTERROGATORY NO. 2

Please provide the following information with regard to Amanda Schaeffer:

- (a) Full name and any other names she has been known by.
- (b) Home and business mailing address.
- (c) Education and professional qualifications. A resume or CV can be submitted to respond to this Interrogatory.

INTERROGATORY NO. 3

State whether there exists any policy(ies) of insurance which operates to provide liability insurance coverage to Vijay Maggio, M.D., Amanda Schaeffer and Biotronics Neurometrics a/k/a The Biotronic Neuronetwork for personal injury damages arising from the circumstances alleged in plaintiffs' Petition for Damages.

INTERROGATORY NO. 4

If the answer to the preceding interrogatory is in the affirmative, please state:

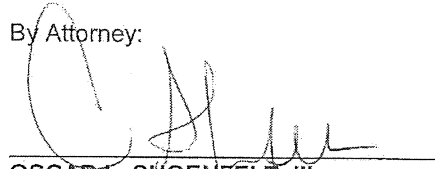
- a. the name and address of the insurance company issuing said policy;
- b. the number of said policy;
- c. the effective date and expiration date thereof;

- d. the limits of liability insurance coverage afforded by said policy for injury to any one person; and
- e. the limits of total liability insurance coverage afforded by said policy.

REQUEST FOR PRODUCTION NO. 9

Produce a copy of the policy referenced in Interrogatory No. 4.

By Attorney:

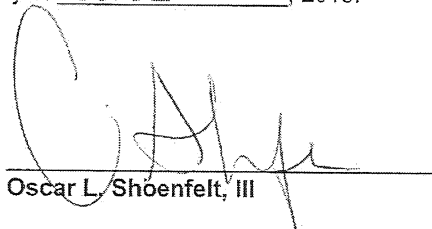


OSCAR L. SHOENFELT, III
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Baton Rouge, LA 70808
Telephone: (225) 336-4300
Facsimile: (225) 336-4350

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has requested to be served upon VIJAY MAGGIO, M.D., AMANDA SCHAEFER, MS, DABNN, BIOTRONICS NEURO METRICS a/k/a THE BIOTRONIC NEURONETWORK and ST. FRANCIS MEDICAL CENTER with service of the Petition for Damages.

Baton Rouge, Louisiana this 22nd day of June, 2016.



Oscar L. Shoenfelt, III